

REMARKS

This Amendment and Response to Office Action is filed in response to the Office Action dated October 18, 2005. Since this filing is submitted six months after the mailing date of the Office Action, a Petition for Extension of Time – Three Months accompanies this filing.

Claims 1, 3-16, and 18-29 are currently pending in the above-identified application. In the Office Action of October 18, 2005, all of the pending claims were rejected for the following reasons:

- claim 10 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.P.N. 5,212,840 (“Caldwell”);
- claims 10 and 15 have been rejected under 35 U.S.C. § 103(a) as being obvious over the combination of U.S.P.N. 2,104,714 (“Moore”) with Caldwell;
- claims 1 and 3-9 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S.P.N. 6,292,956 (“Kayahara”);
- claims 11-14 have been rejected under 35 U.S.C. § 103(a) as being obvious over Caldwell;
- claims 11-14 have been rejected under 35 U.S.C. § 103(a) as being obvious over modified Moore; and
- claims 16, 18-29 have been rejected under 35 U.S.C. § 103(a) as being obvious over the combination of modified Moore with Kayahara.

In addition, the Specification has been objected to as failing to provide antecedent basis for the interior portion of the base portion comprising a reinforced portion and that the vertically extending rigid members are integrally formed in the seat. Further, claims 10 and 16 are rejected under 35 U.S.C. § 112, ¶ 2 on grounds that the specification does not teach “the vertically extending rigid members are integrally formed in the seat.” Each of these rejections is traversed for the following reasons.

I. The Description Provides Antecedent Basis for the “Vertically Extending Rigid Members” Limitation Consistent with Rule 75(d)(1)

The Office Action objects to the specification of the application on grounds that there is not proper antecedent basis for the vertically extending rigid members being integrally formed in the seat, as recited in claims 10 and 16. In response to this objection, Applicant has amended the paragraph beginning on page 7, line 22 to include the following statement: “As shown in Figs. 5-8, the radially disposed support members 520 and the vertically extending rigid members 515 can be integrally formed in the toilet seat 505.” One of ordinary skill in the art would readily understand that Figs. 5-8 depict a toilet seat that can be formed from a single plastic mold, as is commonly done in the art. Thus, the vertically extending rigid members being integrally formed in the seat would be readily apparent to one of ordinary skill upon reviewing these figures. Thus, the amendment of this paragraph merely describes what can be discerned from a viewing of the figures and does not incorporate any new matter into the specification.

II. Claims 10 and 16 are Sufficiently Supported by the Specification

The current Office Action rejects claims 10 and 16 on grounds that they contain subject matter that is not sufficiently described in the specification as required by 35 U.S.C. § 112, ¶ 2. Specifically, the Office Action states that the clause requiring that the vertically extending rigid members be integrally formed in the seat “was not described in the original specification to reasonably convey to one skilled person that the inventor(s), at the time that the application was filed, had possession of the claimed invention.” Office Action, p. 2. As mentioned previously, one of ordinary skill in the art would readily understand that Figs. 5-8 depict a toilet seat that can be formed from a single plastic mold, as is commonly done in the art. Thus, the vertically extending rigid members being integrally formed in the seat would be readily apparent to one of ordinary skill upon reviewing these figures. Further, the specification has been amended to

clarify this issue and provide further support for this clause. Applicant therefore submits that this rejection has been traversed and requests that the rejection of claims 10 and 15 under 35 U.S.C. § 112, ¶ 2 be reconsidered and withdrawn.

III. The Rejection of Claim 10-15 is Moot

Claims 10-15 currently stand rejected under §102(b) and §103(a) over Caldwell and Moore. Applicants have cancelled claims 10-15 by this Amendment and therefore request that these rejections be withdrawn as moot.

IV. Claims 1 and 3-9 are not Obvious over Kayahara

Claims 1 and 3-9 currently stand rejected under §103(a) as being obvious over Kayahara. Since claims 4 and 5 have been cancelled, the rejection of these claims is now moot. The rejection of claims 1, 3, and 6-9 is traversed because Kayahara does not teach all of the limitations of claim 1 and because Kayahara includes no motivation to change its structure to include these features.

Regarding claim 1, the Office Action states that “if Figure 1 is cross-sectioned and looking in from the front end (similar to applicant cross-sectioned as shown in Figure 2), then the base portion also includes a reinforced portion having a plurality of walls (at 7) vertically extending from the base portion to the bowl portion.” Office Action, p. 5. In response to this rejection, Applicants have amended claim 1 to further clarify that the base portion comprises at least two reinforced portions, each reinforced portion being disposed on a lateral side of the base portion. This is not disclosed or suggested by Kayahara. Neither Fig. 1 nor Fig. 2 of Kayahara depicts two separate reinforced portions, each reinforced portion being disposed on a lateral side of the base portion. Indeed, the only view of the lateral side of the base portion of Kayahara is through the opening at the back of that toilet in Fig. 1. This view indicates that the lateral side of the base portion is not reinforced with a plurality of ceramic walls vertically extending from a

bottom of the base portion to the bowl portion, thus teaching away from the limitations of this claim. Further, the cross-sectional view of the toilet shown in Fig. 2 of Kayahara does not include any illustration of the lateral side of the base portion. For these reasons, Applicants submit that the rejection of claim 1 has been traversed and should be reconsidered and withdrawn. Since claims 3 and 6-9 depend from claim 1, Kayahara fails to teach all of the limitations of these claims for the same reasons as claim 1. Applicants therefore request that the rejection of claims 1, 3, and 6-9 be reconsidered and withdrawn.

V. Claims 16 and 18-29 are not Obvious in View of the Combination of Moore with Kayahara

The Office Action states that claims 16 and 18-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Moore with Kayahara. Since claims 19 and 20 have been cancelled, the rejection of these claims is now moot. The rejection of claims 16, 18, and 21-29 is traversed since the combination of Moore with Kayahara does not teach all of the limitations of claims 16, 18 and 21-29.

Claim 16 has been amended to clarify that the base portion comprises at least two reinforced portions, each reinforced portion being disposed on a lateral side of the base portion. Neither Moore nor Kayahara teaches this limitation. *See discussion supra*. Indeed, Moore contains no teaching of the structure of a bowl-section of a toilet. Applicants therefore request that the rejection of claim 16 be reconsidered and withdrawn. Since claims 18 and 21-29 depend from claim 16, claims 18 and 21-29 distinguish from Moore in view of Kayahara for at least these same reasons. Applicants therefore submit that this rejection has been traversed and request that the rejection of claims 18 and 21-29 be reconsidered and withdrawn..

V. Conclusion

Applicants respectfully submit that the pending claims 1, 3, 6-9, 16-18, and 21-29 are now in condition for allowance. A Three-Month Extension of Time along with a deposit account withdrawal authorization for \$510 is included with this Amendment and Response. If it is determined that additional fees are due, the Director is authorized to charge those fees to our Deposit Account No. 13-0480, referencing Attorney Docket Number 35165552.13.

Respectfully submitted,

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